

ELLEN F. ROSENBLUM  
Attorney General  
MICHAEL R. WASHINGTON #873679  
Senior Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096  
Telephone: (503) 947-4700  
Fax: (503) 947-4791  
Email: Michael.R.Washington@doj.state.or.us

Attorneys for Defendants Allen, Brown, Ferguson, Green, Hart, Powell, Stockton, Tovar, Turner,  
and Walsborn

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOSHUA VINCENT WALSH,

Plaintiff,

v.

SCOTT BROWN, TRAVIS WALSBORN,  
MATTHEW ALLEN, CADEN POWELL,  
JOSEPH TOVAR, DEREK TURNER,  
EMMALLYCE GREEN, LUCAS  
FERGUSON, TIMOTHY HART, KEVIN  
STOCKTON,

Defendants.

Case No. 2:19-CV-01997-HZ

DEFENDANTS' EXPERT WITNESS  
DISCLOSURE OF JOHN TABER

Defendants identify the following individual who may be called as an expert witness at  
trial to present evidence as required by Fed. R. Civ. P. 26(a)(2)(C):

**John Taber**  
Training and Development Specialist  
Oregon Department of Corrections  
Eastern Oregon Correctional Institution  
2500 Westgate  
Pendleton, Oregon 97801-9699

John Taber is a Training and Development Specialist for the Oregon Department of Corrections (ODOC) who, among other things, trains employees on ODOC's policies and rules regarding the use of and decontamination from direct and secondary exposure to Freeze + P OC/CS spray. Mr. Taber has worked with ODOC since October 2001 and has been working with the Professional Development Unit since 2013 where he started as a Training and Development Specialist 1 and in 2017, he became a Training and Development Specialist 2.

**A. The Subject Matter on Which He Will Testify**

Mr. Taber will testify that he was a Training and Development Specialist 2 during the time material to Plaintiff's complaint in this case. Mr. Taber was deposed by Plaintiffs in *Konecny v. Brown, et al.*, USDC Case No. 2:18-cv-01385-HZ; *Konecny v. Vaafusuaga*, USDC Case No. 2:18-cv-01842-HZ; and *Werby v. LeGore, et al.*, USDC Case No. 2:18-cv-01828-HZ on June 22, 2022, which addresses the same incident at issue in this case and he will testify consistent with his deposition testimony.

**B. The Summary of the Facts and Opinions He Will Provide in His Testimony**

Mr. Taber will testify regarding ODOC's policies and training regarding decontamination from secondary exposure to Freeze + P OC/CS spray in 2018; his experience in being directly and secondarily exposed to Freeze + P OC/CS spray as that was the spray used to conduct cell extractions at Eastern Oregon Correctional Institution in this case; how secondary exposure to Freeze + P OC/CS spray should dissipate within a matter of minutes and should not impact someone hours later; how Freeze + P is liquid based and falls to the ground upon deployment and is unlikely to float into a ventilation system and impact other inmates; how decontamination from secondary exposure to Freeze + P OC/CS spray should only consist of a wet towel, paper towel, or running water; and how secondary exposure to Freeze + P OC/CS spray does not create a serious medical issue.

DATED August 4, 2022.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

s/ Michael R. Washington  
MICHAEL R. WASHINGTON #873679  
Senior Assistant Attorney General  
Trial Attorney  
Tel (503) 947-4700  
Fax (503) 947-4791  
Michael.R.Washington@doj.state.or.us  
Of Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that on August 4, 2022, I served the foregoing DEFENDANTS' EXPERT WITNESS DISCLOSURE OF JOHN TABER upon the parties hereto by the method indicated below, and addressed to the following:

Joshua V. Walsh  
13710 SE Powell Blvd  
Portland OR 97236  
*Pro Se Plaintiff*

☐ HAND DELIVERY  
☒ MAIL DELIVERY  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)  
☐ E-MAIL  
☐ E-SERVED

*s/ Michael R. Washington*  
MICHAEL R. WASHINGTON #873679  
Senior Assistant Attorney General  
Trial Attorney  
Tel (503) 947-4700  
Fax (503) 947-4791  
Michael.R.Washington@doj.state.or.us  
Of Attorneys for Defendants